



CITY OF BUFFALO
DEPARTMENT OF LAW

EXHIBIT

B

P-375 (Rev. 07/2003)

Side - 1 -

BUFFALO POLICE DEPARTMENT
INCIDENT REPORT WORKSHEET

All applicable items on this page to be completed for all reports

REPORT # 17-001-0506 ☒ Original ☐ Supplement REPORT DATE 1.1.17 REPORT TIME 1400

CALL # _____ NATURE OF CALL Criminal Mischief

LOCATION OF INCIDENT: Address: 33 Schwarbeck City: Buffalo State: NY Zip Code: _____ District: C Sector: _____

OCCURRED FROM: Date: 1.1.17 Time: 1100 TO Date: _____ Time: _____

Offense #1 PL 145.05-2 Offense #2 PL 240.20-3 Offense #3 _____ Offense #4 _____ Hate Crime: ☐ Yes ☒ No

Reporting Officer: J. Velaz ID# 172870 Assisting Officer: L. Mcdermott ID# 172768

PERSON #1 INVOLVEMENT Victim / Witness / Suspect / Complainant / Arrested / Warrant Card PERSON TYPE: Business / Individual / Police Officer / Government

NAME Last: Heistner First: James M. I. _____

RACE: W / B / I / O / H SEX: M / F DOB: 100 HGT: _____ WGT: _____ Hair Color: _____ Eye Color: _____ Skin: Light / Med / Dark

ADDRESS INFORMATION: Address: 31 Schwarbeck City: Buffalo State: NY Zip Code: _____

TYPE: Bus / Work / Home / Vacation / Other

IDENTIFICATION INFORMATION: Type: _____ Number: _____ State: _____ TELEPHONE INFORMATION: Type: _____ (Area Code) Prefix Number: 716-895-2949 ALIAS INFORMATION: Name: _____ DOB: _____

SCARS/MARKS/TATOOS - Use Narrative, if more than one.

Type: _____ Location on Body: _____ Description: _____

NEXT OF KIN OR ASSOCIATES - Use Narrative, if more than one.

Relationship: _____ Name: _____ Address: _____ City: _____ State: _____ Telephone: _____ SCHOOL INFORMATION: School: _____ Grade: _____

IF SUSPECT

1. General Appearance: _____ 2. Build: _____ 3. Hair Style: _____ 4. Facial Features: _____

5. Weapon Type: _____ Caliber: _____ Barrel Length: _____ Weapon Color: _____

CLOTHING DESCRIPTION: Hat: _____ Mask: _____ Glasses: _____

Coat: _____ Shirt: _____ Pants/Shoes: _____

IF ARRESTED

Arrest Type: Arrest / Summons Arrest Date / Time: 1.1.17/1105 Arrest Location: 31 Schwarbeck ☐ Appearance Ticket Issued

Summons #: _____ BAC: _____ Warrant #: _____ Agency: _____

Charge: PL 145.05-2 F Level: _____ Description: Crim Mis Charge: PL 240.20-3 V Level: _____ Description: Disorderly Conduct

IF MISSING

Missing Date / Time: _____ Last Seen Location: _____ Probable Destination: _____

Mental Condition: _____ Clothing Description: _____

SICK OR INJURED

Nature of Injury or Illness: _____ Injury Date / Time: _____ On the Job Injury? ☐ Yes ☐ No

Location of Injury on Body: _____

PERSON INVOLVEMENT Victim / Witness / Suspect / Complainant / Arrested / Warrant Card PERSON TYPE: Business / Individual / Police Officer / Government

P-1375 (Rev. 07/2003)

Side - 2 -

VEHICLE #1		VEHICLE SECTION									
INVOLVEMENT:		TYPE:		Lic. #:		Lic State:		Lic. Year:		Lic. Type:	
Veh. YEAR		Veh. MAKE:		Veh. MODEL:		Veh. STYLE		Veh. COLOR:			
VIN #				STL / REC LOC							
DISPOSITION:				TOWED BY:		TOWED FROM:		TOWED TO:			
STOLEN / RECOVERY INFORMATION:	KEYS:		DOORS:		EVIDENCE OF STRIPPING:						
	<input type="checkbox"/> Hidden in Car <input type="checkbox"/> In Ignition <input type="checkbox"/> Not in Car		<input type="checkbox"/> Locked <input type="checkbox"/> Unlocked		<input type="checkbox"/> None <input type="checkbox"/> Tires <input type="checkbox"/> Radio <input type="checkbox"/> Engine <input type="checkbox"/> Engine Access.						
	VEHICLE PLATES MISSING:		VEHICLE CONDITION:		<input type="checkbox"/> Transmission <input type="checkbox"/> Battery <input type="checkbox"/> Burned Out <input type="checkbox"/> Other						
<input type="checkbox"/> One <input type="checkbox"/> Two <input type="checkbox"/> None		DATE AND TIME RECOVERED:		RECOVERY FOR: <input type="checkbox"/> BPD							
				<input type="checkbox"/> OTHER AGENCY:							
OWNER HAS KEYS:		<input type="checkbox"/> Yes <input type="checkbox"/> No		LOAN PENDING:		<input type="checkbox"/> Yes <input type="checkbox"/> No		Prior Problems w/ Vehicle:			
Owner Notified By:				By Whom recovered:				Rank:		Assignment:	
								Emp. #:			

Important: Shaded information should be included in the narrative in ARS.**NOTE: If there is more than 1 vehicle involved, please include above information on additional worksheets.**

ITEM #1		PROPERTY SECTION									
INVOLVEMENT:		Category:		Article:		Brand:		Model:		No. of Pieces:	
Serial or OAN		Value:		Article Description:				Recovery Value:			
IF NARCOTICS:											
Number of Items:		Narcotic(s) Description:									
IF FIREARM:											
Make:		Model:		Gun Type:		Gun Category:		Caliber:		Serial No.:	
										Firearm Description:	

ITEM #2		PROPERTY SECTION									
INVOLVEMENT:		Category:		Article:		Brand:		Model:		No. of Pieces:	
Serial or OAN		Value:		Article Description:				Recovery Value:			
IF NARCOTICS:											
Number of Items:		Narcotic(s) Description:									
IF FIREARM:											
Make:		Model:		Gun Type:		Gun Category:		Caliber:		Serial No.:	
										Firearm Description:	

ITEM #3		PROPERTY SECTION									
INVOLVEMENT:		Category:		Article:		Brand:		Model:		No. of Pieces:	
Serial or OAN		Value:		Article Description:				Recovery Value:			
IF NARCOTICS:											
Number of Items:		Narcotic(s) Description:									
IF FIREARM:											
Make:		Model:		Gun Type:		Gun Category:		Caliber:		Serial No.:	
										Firearm Description:	

INVOLVEMENT OF PROPERTY:**CATEGORY:**

(ANL) Analysis (BUY) Bought (CON) Converted (DAM) Damaged (DEF) Defendant's Prop. (EVD) Evidence (FOU) Found (IMP) Impounded (INS) Institutionalized	(LST) Lost (OBS) Observed (OTH) Other (arson) (PAW) Pawned (RCB) Recovered by Other Jurisdiction (RCV) Recovered (REG) Registration (RJC) Recovered for	(RPO) Repossessed (SAR) Stolen and Recovered (SPK) Safekeeping (SRC) Recovered (STN) Stolen (STR) Stored (SUS) Suspect (SZD) Seized (TBD) To Be Destroyed	(1) Machinery/Construction/Etc. (2) Coin Collections/Rare Coins (3) Drugs (4) Musical Instruments (5) Explosives & Ammunition (6) Office Equipment (7) Scrap Metal/Copper (8) Snow Blower	(9) Sporting Equip. & Goods (10) Telephone/Answering Machines (11) Tools/Hand/Power (12) Toys/Electronic Games (13) Cash/Food Stamps (14) Lawn Mower/All Lawn Equip. (15) Cash Registers/Safe (16) Animals/Pets (17) Auto Parts/Accessories/Tires	(C) Bike (D) Boat/Boat Motor/Trailers (E) Building Materials/Plumbing (F) Cameras & Equipment (G) Cash/Food Stamps (H) CD/Tapes/records/Video (I) Cellular Phones (J) Clothing/Furs (K) Collectibles/Paintings/Antiques	(L) Computer/Software/Equip. (M) Credit/Debit Cards (N) Food/Gas/Liquor (O) Guns (P) Household Items (Q) Jewelry/Precious Metals (R) Merchandise (general) (S) Miscellaneous (T) Motors/Gas/Electric Operated	(V) Personal Items/Purse/Wallet (W) Radio/Stereo Equipment/Electronic (Y) TV/All Types (Z) Video Cassette Recorders/DVDs (*) Motorcycle/Mini Bike/Etc.
--	--	---	--	---	---	---	--



BUFFALO PD POLICE REPORT CRIMINAL MISCHIEF

**Complaint
17-0010506**

Report Date & Time
01/01/2017 10:54

Address of Occurrence **33 SCHMARBECK AV** District **'C'** Tract **BU** Occ. Date & Time **01/01/2017 10:54** Day of Week **Sunday** Type of Premise **Street**

Status **Cleared By Arrest** Follow Up By **N** TT Mess# **N** TT Entry Date **N** TT Cancel# **N** TT Cancel Date **N**

Officers: **D674 - MCDERMOTT** **P2783 - SCHULTZ** Rep. Off.: **D674 - MCDERMOTT**
L440 - VELEZ **P3617 - MORIARITY** Supervisor:

Last Name **KISTNER** First Name **JAMES** MI Ext Birth Date **01/01/1960** Race **White** Sex **M** Age **56** Juvenile **N** Arrested **N** Report **PR**
Address **37 SCHMARBECK** City **BUFFALO** State **NY** Zip **14211** Home Phone **(716) 895-2949** Work Phone
Height **5' 10"** Weight **195** Hair **GRY** Eyes **BLU** Build **S** Complexion **FAR** Glasses Scars/Marks/Tattoos

Victim DID receive information on Victim's Rights and Services pursuant to New York State Law **Yes/No**

Last Name **SONY** First Name **C DIST** MI Ext Birth Date Race **Unknown** Sex **U** Age Juvenile **N** Arrested **N** Report **PR**
Address **693 E FERRY ST** City **BUFFALO** State **NY** Zip **14211** Home Phone Work Phone **(716) 851-4412**
Height Weight Hair Eyes Build Complexion Glasses Scars/Marks/Tattoos

Victim DID receive information on Victim's Rights and Services pursuant to New York State Law **Yes/No**

Law	Section	CA	CL	DG	Description	Report
PL	145.05-02	F	E	3	CRIMINAL MISCHIEF 3RD:DAMAGE ANOTHERS PROPERTY-AMOUNT> \$250	PR
PL	240.20-03	V		0	DIS/CON OBSCENE LANG/GESTURES	PR

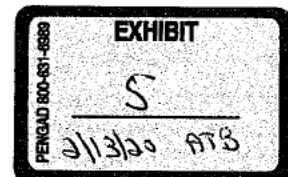
Arrest # **223353** Name **KISTNER, JAMES** Date **01-01-2017** Address **37 SCHMARBECK AV BUFFALO**

Status **Held** Arrest Type **Crime in Progress** Arresting Officers **172768 MCDERMOTT, I172870 VELEZ, JENNY M**

Law	Section	CA	CL	DG	Description	Counts
PL	145.05-02	F	E	3	CRIMINAL MISCHIEF 3RD:DAMAGE ANOTHERS PROPERTY-AMOUNT> \$250	1
PL	240.20-03	V		0	DIS/CON OBSCENE LANG/GESTURES	1

ON 1-1-17 AT APPROX 1100 HRS WHILE AT 33 SCHMARBECK THE DEF. DID INTENTIONALLY THROW HIS BODY INTO THE DRIVER'S SIDE MIRROR OF PATROL VEHICLE 473, CAUSING THE MIRROR TO BECOME DISLODGED FROM THE VEHICLE AND THE DRIVER'S SIDE WINDOW TO MALFUNCTION (AMOUNT TO EXCEED \$250). WHILE AT ECMC, DEF DID USE OBSCENE AND OFFENSIVE LANGUAGE TOWARD OFFICERS AND MEDICAL STAFF, CAUSING AN ANNOYANCE AND ALARM.

DEF. TRANSPORTED TO ECMC FOR A 941 EVALUATION AFTER ARREST.



P-163 (Rev 01/15)
ORI# 1501BUFFALO POLICE DEPARTMENT
ARREST DATA FORMDISTRICT OF ARREST: C
PROPERTY: ☐ YES ☐ NO
MONEY: \$ _____

DATE: 1-1-17 INCIDENT NUMBER: 17-001-0506 RICH# _____ AFN: 17-00009-98
 DEFENDANT'S NAME: Ristner James
 (LAST) (FIRST) (M)
 DATE OF BIRTH: 60 AGE: 56 PLACE OF BIRTH: Cincinnati, OH
 ARRESTING OFFICER: L. McDermott ASSISTING OFFICER: J. Velez / K. Schultz
 DIST.: C ASSIGNMENT: C241 ARREST DATE: 2017-01-01 ARREST TIME: 11:05
 ADDRESS OF ARREST: 37 Schmarbeck
 CHARGES: PL 145.05-2 PL 240.20-3

NARRATIVE: On 1-1-17 at 1100 hrs while at 33 Schmarbeck, def did intentionally throw his body into the driver side mirror of patrol vehicle 473, causing the mirror to become dislodged from the vehicle and the driver's side window to malfunction, amount to exceed \$250. While at EPMC def did use obscene and offensive language toward officers and medical staff.

DEFENDANT'S STREET NAME/ALIASES: _____
 DEFENDANT'S ADDRESS: 37 Schmarbeck
 CITY: Buffalo STATE: NY ZIP CODE: 14211 US CITIZEN: ☒ YES ☐ NO
 SOCIAL SECURITY NUMBER: 5112 MARITAL STATUS: S OCCUPATION: N/A
 DEFENDANT'S SEX: M HEIGHT: 5'10" WEIGHT: 195 BUILD: Med EYE COLOR: Blue
 HAIR COLOR: Brown SKIN TONE: Light RACE: _____ ETHNICITY: _____
 SCARS, MARKS, TATTOOS: _____
 WARRANTS: ☐ YES ☒ NO (IF YES, ATTACH COPY) REPORT TECH. INITIALS: CL SATISFACTORY ID: ☒ YES ☐ NO
 HAS THE DEFENDANT RECENTLY BEEN OUTSIDE THE UNITED STATES? ☐ YES ☒ NO
 (IF YES, WHERE?): _____

COMPLAINANT'S NAME: SONY RELATIONSHIP: _____
 USE OF FORCE? ☐ YES ☒ NO (IF YES, OFFICER(S) MUST COMPLETE P-1374 - USE OF FORCE FORM)
 VEHICLE TO BE IMPOUNDED? ☐ YES ☒ NO PLATE #: _____ LOCATION: _____

TO BE ASKED BY THE REPORT TECHNICIAN (TO BE ASKED IN THE PRESENCE OF THE ARRESTING OFFICERS)

- Are you injured? ☐ YES ☒ NO
 If yes, describe injury, any bandages, stitches etc. _____
 If yes, when were you injured? (Date and time) _____
- Have you received medical attention since your arrest? ☐ YES ☐ NO
 (If yes, Arresting Officers are responsible of completing P-1261)

PROCESSING REPORT TECHNICIAN: RT L. Mullin EMPL/DID NO.: _____

(ARRESTING OFFICER IS RESPONSIBLE FOR: P-31, P-77C AND DCPS-L-1)

00023

Docket Number

CITY OF BUFFALO

CD #:17-0010506

COUNTY OF ERIE STATE OF NEW YORK

The People of the State of New York

vs.

JAMES KISTNER DOB: [REDACTED] 60

37 SCHMARBECK

BUFFALO, NY

INFORMATION / COMPLAINT

I, **Police Officer LAUREN M. MCDERMOTT**, a police officer herein, accuse **JAMES KISTNER**, the DEFENDANT of this action, and charge that on or about Sunday, January 1, 2017 at 33 SCHMARBECK AV in the CITY OF BUFFALO, County of ERIE, at about 10:54 AM, said DEFENDANT did commit the offense of:

CRIMINAL MISCHIEF 3RD - DAMAGE >\$250.

a class E FELONY contrary to the provisions of section 145.05, subsection(s) 02 of the Penal Law of the State of New York.

145.05-2 - CRIMINAL MISCHIEF IN THE THIRD DEGREE

IN THAT THE DEFENDANT, WHILE AT 37 SCHMARBECK, DID WITH INTENT TO DAMAGE THE PROPERTY OF ANOTHER PERSON; CITY OF BUFFALO POLICE DEPARTMENT, AND HAVING NO RIGHT TO DO SO NOR ANY REASONABLE GROUND TO BELIEVE THAT HE HAD SUCH RIGHT; DID DAMAGE THE PROPERTY, TO WIT; DRIVER'S SIDE MIRROR AND DRIVER'S SIDE MIRROR OF PATROL VEHICLE, IN THE AMOUNT OF MORE THAN \$250.00. IN THAT THE DEFENDANT DID INTENTIONALLY THROW HIS BODY INTO THE DRIVER'S SIDE MIRROR OF PATROL VEHICLE #473, CAUSING THE MIRROR TO BECOME DISLODGED FROM THE VEHICLE AND ALSO CAUSING THE DRIVER'S SIDE WINDOW TO MALFUNCTION, THE VALUE OF SAID DAMAGE TO EXCEED \$250.00. THE DEFENDANT DID CAUSE SAID DAMAGE TO THE ABOVE MENTIONED PROPERTY WITHOUT THE PERMISSION OF THE OWNER.

ALL CONTRARY TO THE PROVISIONS OF THE STATUTE IN SUCH CASES MADE AND PROVIDED. THE ABOVE ALLEGATIONS OF FACT ARE MADE BY THE COMPLAINANT HEREIN ON DIRECT KNOWLEDGE.

Therefore, the complainant requests that said defendant be dealt with according to the provisions of the Criminal Procedure Law, and according to law.

NOTICE

(Penal Law, Section 210.45)

It is a crime, punishable as a Class A Misdemeanor under the Laws of the State of New York, for a person, in a written instrument, to knowingly make a false statement, or to make a statement which such person does not believe to be true.


Complainant

Subscribed and sworn to me this
1st of January, 2017

Docket Number

CITY OF BUFFALO

CD #:17-0010506

COUNTY OF ERIE STATE OF NEW YORK

The People of the State of New York

vs.

JAMES KISTNER DOB: [REDACTED] 60

37 SCHMARBECK

BUFFALO, NY

INFORMATION / COMPLAINT

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DISORDERLY CONDUCT

a VIOLATION contrary to the provisions of section 240.20, subsection(s) 03 of the Penal Law of the State of New York.

THE SAID DEFENDANT, AT THE AFORESAID TIME AND PLACE, WITH INTENT TO CAUSE PUBLIC INCONVENIENCE, ANNOYANCE OR ALARM, OR RECKLESSLY CREATING A RISK THEREOF, WHILE IN A PUBLIC PLACE, DID USE ABUSIVE OR OBSCENE LANGUAGE, OR MADE AN OBSCENE GESTURE. IN THAT THE DEFENDANT DID INTENTIONALLY THROW HIS BODY INTO THE DRIVER'S SIDE MIRROR OF PATROL VEHICLE #473, CAUSING THE MIRROR TO BECOME DISLODGED FROM THE VEHICLE AND ALSO CAUSING THE DRIVER'S SIDE WINDOW TO MALFUNCTION, THE VALUE OF SAID DAMAGE TO EXCEED \$250.00 AND WHILE AT BEING TREATED AT ECMC THE DEFENDANT DID USE OBSCENE AND OFFENSIVE LANGUAGE TOWARD OFFICERS AND MEDICAL STAFF. SAID ACTIONS BY THE DEFENDANT DID CAUSE A PUBLIC ANNOYANCE AND ALARM.

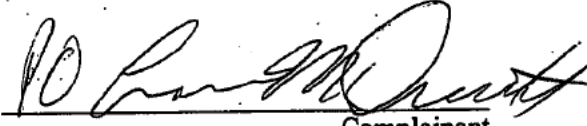
ALL CONTRARY TO THE PROVISIONS OF THE STATUTE IN SUCH CASES MADE AND PROVIDED. THE ABOVE ALLEGATIONS OF FACT ARE MADE BY THE COMPLAINANT HEREIN ON DIRECT KNOWLEDGE.

Therefore, the complainant requests that said defendant be dealt with according to the provisions of the Criminal Procedure Law, and according to law.

NOTICE

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It is a crime, punishable as a Class A Misdemeanor under the Laws of the State of New York, for a person, in a written instrument, to knowingly make a false statement, or to make a statement which such person does not believe to be true.


Complainant

Subscribed and sworn to me this
1st of January, 2017

Docket Number _____

CITY OF BUFFALO
COUNTY OF ERIE STATE OF NEW YORK

CD #: 17-0010506

The People of the State of New York

vs.

JAMES KISTNER DOB: [REDACTED] 60
37 SCHMARBECK
BUFFALO, NY

)
)
) **NOTICE TO DEFENDANT OF**
) **INTENTION TO OFFER EVIDENCE**
) **AT TRIAL (CPL 710.30 AND 700.70)**
)
)

THE PEOPLE INTEND TO OFFER AT TRIAL:

I. STATEMENTS BY DEFENDANT: EVIDENCE OF A STATEMENT MADE BY THE DEFENDANT TO /PUBLIC SERVANT ENGAGED IN LAW ENFORCEMENT ACTIVITY OR TO A PERSON THEN ACTING UNDER HIS DIRECTION OR IN COOPERATION WITH HIM.

- ☐ 1. Written statement (attach copy)
- ☒ 2. What was said by the defendant at the time of arrest?(specify: date, place, content and to whom)
- ☐ 3. No statements were made

Arresting Officers Initials: _____

BEFORE BEING PLACED UNDER ARREST AND BEFORE BEING ADVISED OF HIS MIRANDA RIGHTS, WHILE AT ECMC, THE DEFENDANT DID SPONTANEOUSLY STATE TO THE DR. AND PO L. MCDERMOTT AND PO J. VELEZ, "YOU HIDE FASCIST UNIFORMS. THAT'S WHAT YOU DO AND THOSE TO NAZIS THAT WERE DRIVING IN FRONT. FASCISTS. I CAN'T TALK IN FRONT OF THEM.

AFTER BEING PLACED UNDER ARREST AND AFTER BEING ADVISED OF HIS MIRANDA RIGHTS, WHILE AT ECMC, THE DEFENDANT DID SPONTANEOUSLY STATE TO PO J. VELEZ, "CHARGE ME CRIMINALLY TO COVER YOURSELVES. YOU'RE SCARED. YOU AND YOUR LILY WHITE PUSSIES."

AFTER BEING PLACED UNDER ARREST AND AFTER BEING ADVISED OF HIS MIRANDA RIGHTS, WHILE AT ECMC, THE DEFENDANT DID SPONTANEOUSLY STATE TO PO J. VELEZ AND PO L. MCDERMOTT, "IF YOU KEEP TELLING YOUR LIES SO WILDLY, SOMEONE MIGHT BELIEVE YOU. YOU'RE STORY AIN'T GOING TO FLY. INTERNAL AFFAIRS IS GOING TO EAT YOUR ASS ALIVE."

AFTER BEING PLACED UNDER ARREST AND AFTER BEING ADVISED OF HIS MIRANDA RIGHTS, WHILE AT ECMC, THE NURSE AT ECMC DID GIVE THE DEFENDANT A DIRECTIVE AND THE DEFENDANT DID YELL ALOUD, "I'M TIRED OF LISTENING TO THIS CUNT, THE THREE NAZI BITCHES."

II. IDENTIFICATION OF DEFENDANT: TESTIMONY IDENTIFYING THE DEFENDANT AS A PERSON WHO COMMITTED THE OFFENSE CHARGED BY WITNESSES WHO HAVE IDENTIFIED HIM AS SUCH PRIOR TO ARREST / TRIAL. SPECIFICALLY:

WHO MADE IDENTIFICATION OF DEFENDANT? (SPECIFY NAME):

DATE: 1/2/2017PLACE: 33 SCHMARBECK

- ☐ 1. Showup Identification
- ☐ 2. Photograph Identification
- ☐ 3. Line-up
- ☐ 4. Observation of defendant upon some other occasion relevant to case
- ☒ 5. Other (specify) WAS POSITIVELY ID'D BY OFFICERS

**CITY OF BUFFALO POLICE DEPARTMENT
CENTRAL BOOKING BUREAU
CASE HISTORY**

DEFENDANT: JAMES KISTNER
AFN: 16-00009-98

THE OFFICER IN CHARGE OF A CASE IS THE OFFICER WITH THE MOST KNOWLEDGE OF THE EVENTS LEADING TO THE ARREST. THIS OFFICER WILL ALSO BE THE ONE TO SUBMIT ALL ITEMS OF AN EVIDENTIARY NATURE TO THE CPS LAB OR PROPERTY ROOM. THE OFFICER IN CHARGE MUST GIVE A CONCISE AND SUFFICIENTLY DETAILED ACCOUNT OF THE CASE WITH SPECIFICS PERTAINING TO ALL OFFICERS INVOLVED. THIS ACCOUNT WILL ACCOMPANY ALL PAPERWORK FORWARDED TO BUFFALO CITY COURT.

THE FOLLOWING SUMMARY REPRESENTS THIS CASE FILE TO THE BEST OF MY KNOWLEDGE:

NAME OF ARRESTING OFFICER : PO LAUREN MCDERMOTT
FUNCTION (S) PERFORMED: INVESTIGATED AND PLACED THE
DEFENDANT UNDER ARREST

NAME OF ASSISTING OFFICER: PO JENNY VELEZ
FUNCTION(S) PERFORMED: ASSISTED WITH INVESTIGATION AND ARREST;
710.30

NAME OF ASSISTING OFFICER: PO KARL SCHULTZ
FUNCTION PERFORMED: ASSISTED WITH INVESTIGATION AND ARREST

NAME OF ASSISTING OFFICER: PO KYLE MORIARTY
FUNCTION PERFORMED: ASSISTED WITH INVESTIGATION AND ARREST

NAME OF ASSISTING OFFICER:
FUNCTION PERFORMED:

NAME OF ASSISTING OFFICER:
FUNCTION PERFORMED:

OFFICER SIGNATURE: 

DATE: 1/1/17

Agency File No. 17 00009 68

CITY OF BUFFALO - DEPARTMENT OF POLICE CRIME AND INCIDENT RECORDS UNIT

74 FRANKLIN STREET • ROOM 100 • BUFFALO, NEW YORK • 14202

APPEARANCE TICKET

Issued to: KISTNER James [REDACTED] 60 ☒ Male ☐ Female
(DEPENDANT'S LAST NAME) FIRST MI D.O.B.
37 Schmarbeck Bflo 14201 795-2949
(ADDRESS) CITY ZIP CODE PHONE
Kercids

YOU ARE HEREBY DIRECTED TO APPEAR PERSONALLY IN PART TWO, OF THE
 CITY COURT OF BUFFALO 50 DELAWARE AVENUE, CITY OF BUFFALO, NEW YORK.

ON JAN 12, 20 17 at 9:30 AM, in connection with your alleged commission of:
Am Mcht et al contrary to the provisions of:

145.05- 2 of the: ☒ Penal Law of the State of New York
SECTION SUBSECTION
Schmarbeck 17
☐ Vehicle and Traffic Law of the State of New York
☐ Ordinances of the City of Buffalo
☐ _____ Law.

Committed at: 37 Schmarbeck, in the City of Buffalo
 on the 1st day of JANUARY, 20 17 at 1600 AM PM.

I, the undersigned, do hereby acknowledge receipt of this Appearance Ticket and do agree to appear as directed. I further understand that my failure to appear in City Court as directed, may result in a Criminal Summons or a Warrant for my arrest may be issued (CPL 150.60). If I have posted bail, the bail will become forfeit upon my failure to comply with the directives of this Appearance Ticket (150.30).

James Kistner
 SIGNATURE OF DEFENDANT (SIGNATURE IS NOT AN ADMISSION OF GUILT)

ISSUED AND SUBSCRIBED BY:

[Signature]
 OFFICER'S SIGNATURE

LT D PANICZUK
 ISSUING OFFICER (PRINT)

CEL
 ASSIGNMENT

ISSUE TIME

Warrant check performed by:

[Signature]
 MEMBER PROVIDING WARRANT CHECK

Source of Identification:

- ☐ New York State Driver's License
☐ Known to Issuing Officer
☒ Other: MUG ID

REQUEST FOR EXAMINATION PERSON UNDER SECTION 9.41 OF THE NY MENTAL HYGIENE LAW

☐ To: Erie County Medical Center – CPEP
462 Grider St., Buffalo, NY 14215

POLICE AGENCY/DISTRICT: Buffalo PD

COMPLAINT #: 17-001-0504

☒ To: Lakeshore Health Care Center
845 Routes 5 & 20, Irving, NY 14061

INCIDENT LOCATION: 33 Schmarbeck

Is responding officer CIT-trained? ☐ Yes

DATE: 1-1-17 TIME OF TRANSPORT: 11:37

Does individual have active CIT Crisis Plan? ☐ Yes

AMB CO: _____ AMB #: _____

Name (L, F, MI)

DOB

Age

Sex

Kistner, James

60

56

M

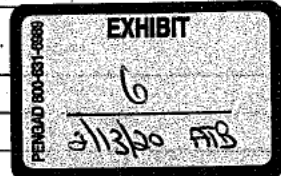
Address (number, street, city, state, zip)

37 Schmarbeck Buffalo, NY

Has this individual served in the military/reserves: ☐ Yes ☒ No ☐ Unknown

Known mental health history and/or diagnosis: unknown

What was reported to the police about this individual?



Name of source of information: _____ Relationship to individual: _____ Phone: _____

Any known linkages to treatment/significant others: unknown

Justification for transport - Describe any known history of violence to self or others, current violent behavior, and harmful or neglectful behavior to self or others, including documentation of any plans, means, and access for suicide/harm to others: Subj did not know how himself at patrol vehicle. Repeatedly called nk Nazis and faxed

☒ behaviors or actions indicate that the individual might be a danger to self/others?

☒ Places self in dangerous situations

☐ Talk of hurting/killing self others

☐ Unable to care for self

☐ Attempting to hurt/kill self others

☐ Threat/use of weapon to harm self/others

☐ Plan/means/access available

☐ Verbal threats

☐ Physical threats

☐ Other: _____

☐ Weapon(s) present (describe): _____

Check here if a continuation page is attached

WEAPONS CHECK PRIOR TO TRANSPORT

Searched? ☒ Yes ☐ No

Found? ☐ Yes ☒ No

If found, disposition: _____

Check observed and/or reported behavior or actions that indicate that the individual might be a danger to self or others:

O R Verbal and Behavioral

☒ Refusal to respond to question

☒ Talking to self

☐ Impaired speech (slurred, slow, illogical/incoherent, fast)

☐ Reported hearing voices

☐ Irrational speech/thoughts

☒ Hostile/argumentative/belligerent/loud/yelling

☒ Expresses ideas of inflated self-importance

☒ Talks repeatedly about a single subject (death, religion, illness, government, etc.)

O R Appearance and Behavior

☐ Paranoia/suspiciousness/feelings of persecution

☐ Dress indicates lack of awareness of weather/setting

☐ Confused/disoriented

☐ Sad expression /crying/depression

☐ Presence of feces or urine

☐ Exhibits extraordinary physical strength

☐ Extremely rapid heart rate/respiration

☐ Poor hygiene/living environment

☐ Under the influence

☐ Hyperactivity/psychomotor agitation

Has a criminal charge been placed? ☒ Yes ☐ No

If yes, charges: PL 145.05-2 PL 240.20-3

Appearance ticket issued? ☒ Yes ☐ No

Order of protection in force? ☐ Yes ☒ No

Officer's Name (please print): J. Velaz

Date: 1-1-17

HOSPITAL DISPOSITION: To be completed by Examining Physician/Emergency Room (check appropriate boxes)

☐ Patient admitted to this facility

☐ Medical admission

☐ Psychiatric admission

☐ Patient transferred to another facility

☐ Patient not admitted

☐ Patient absconded